

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA

VS

CAUSE NO. 3:15CR142

EARNEST M. FOX

DEFENDANT

MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, by and through his attorney of record, M. Kevin Horan, and files this his *Motion for Continuance*, and would show for good cause unto the Court the following, to-wit:

-1-

Your Defendant is currently scheduled for Trial on September 19, 2016, in Aberdeen, Mississippi.

-2-

Pursuant to negotiations with AUSA Susan Bradley, the Defendant plans to enter a plea of guilty in return for the Government's recommendation that he be admitted to the PACS program.

-3-

It has come to the attention of the Defendant's counsel that initial implementation of the PACS program has been delayed.

-4-

AUSA Susan Bradley has represented to undersigned counsel that she has no objection to this matter being continued so that a Presentence Investigation Report may be prepared and so that Defendant may begin the PACS program promptly after the entry of his plea.

-5-

The Defendant's request for continuance is not for the purpose of unduly delaying this cause, but in order that the interest of justice be served. Furthermore, your Defendant is

aware of his rights to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7), the Speedy Trial Act, and your Defendant explicitly waives these rights. He has previously presented to the court a signed *Speedy Trial Waiver and Consent to Institute a Presentence Investigation and Disclose the Report Prior to a Plea of Guilty*.

WHEREFORE, PREMISES CONSIDERED, the Defendant does hereby respectfully request that this cause be continued until further Order of the Court for good cause shown above.

RESPECTFULLY SUBMITTED, this the 16th day of September, 2016.

s/ M. KEVIN HORAN
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, M. Kevin Horan, attorney for the Defendant, Earnest M. Fox, hereby certify that on the 1st day of July, 2016, I electronically filed the foregoing *Motion To Continue* with the clerk of the Court using the ECF System, which sent notification of such filing to the following:

Mr. Arlen B. Coyle, Clerk
U.S. District Court, Northern District
Federal Building, Suite 369
911 West Jackson Avenue
Oxford, Mississippi 38655

Honorable Susan S. Bradley, AUSA
Office of the U.S. Attorney
900 Jefferson Avenue
Oxford, Mississippi 38655-3608
E-mail: susan.bradley@usdoj.gov

Honorable Sharion Aycock
U. S. District Judge
301 W Commerce St - Room 218
Aberdeen, Mississippi 39730-2520
E-mail: sharion_aycock@msnd.uscourts.gov

Honorable S. Allan Alexander
U. S. Magistrate Judge
911 Jackson Avenue - Room 242
Oxford, Mississippi 38655-3621
E-mail:
sallanalexander@msnd.uscourts.gov

and I hereby certify that I have mailed by the United States Postal Service the document to the following Non-ECF participant:

Mr. Earnest M. Fox
Post Office Box 783
Bruce, Mississippi 38915

THIS, the 16th day of September, 2016.

s/ M. KEVIN HORAN
M. KEVIN HORAN, MSB #2638